

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2560 - HB 2595**

February 24, 2018

**SUMMARY OF BILL:** Provides that in any proceeding to suspend, terminate, or discipline an employee in state service, the state has the burden to prove by a preponderance of the evidence that the employee violated state law or a rule or policy of the state agency prior to taking such action.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- In *Tennessee Department of Correction v. Pressley*, 528 S.W.3d 506, the Supreme Court of Tennessee held that under the TEAM Act, Public Chapter 800 of the Public Acts of 2012, a state employee does not have protected property interest in his or her continued employment, Id. at 519. The court also held that in actions to suspend, terminate, or discipline a state employee, the employee has the ultimate burden of proof. Id. at 523.
- The proposed legislation overturns the *Pressley* decision and places the ultimate burden of proof on the state and effectively gives a state employee a protected property interest in continued employment.
- The proposed legislation will not significantly impact the policies or operations of state departments and agencies.
- Under the TEAM Act, an employee's employment ceases upon termination. Under the proposed legislation, the employee would remain employed until the appeals process is complete.
- It is assumed that positions terminated under the TEAM Act are filled after a relatively short period of time. Therefore, the proposed legislation will not significantly impact state expenditures.

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm